

IDAHO BOARD OF CHIROPRACTIC PHYSICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 1/6/2017

BOARD MEMBERS PRESENT: Mary Jo White, DC - Chair
Herbert W Oliver, DC
Charles H Coiner
John Downey, DC

BOARD MEMBERS ABSENT: Kathleen J McKay, DC

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel

OTHERS PRESENT: Ryan Fitzgerald, Idaho Association of
Chiropractic Physicians

The meeting was called to order at 1:00 PM MST by Mary Jo White, DC.

APPROVAL OF MINUTES

Mr. Coiner made a motion to approve the minutes of 9/22/2016. It was seconded by Dr. Oliver. Motion carried. Mr. Coiner made a motion to approve the minutes of 10/28/2016. It was seconded by Dr. Oliver. Motion carried. Dr. Oliver made a motion to approve the minutes of 12/1/2016 with corrections. It was seconded by Dr. Downey. Motion carried.

NEW BUSINESS

PRESENTATION/PROPOSED LEGISLATION – RYAN FITZGERALD, IDAHO ASSOCIATION OF CHIROPRACTIC PHYSICIANS (IACP)

Mr. Fitzgerald discussed the proposed legislation that will be presented by the Idaho Association of Chiropractic Physicians in the 2017 Legislative Session. The Board offered comments but said it was difficult to comment since the proposed legislation is not complete and they only received a copy of the IACP's proposed language yesterday. Mr. Fitzgerald said he would provide a copy of the final revised language to the Board and all licensed Chiropractors in Idaho. Ms. Cory asked Mr. Fitzgerald to send a list to the Board of accredited schools and the laser devices that are listed in the IACP's proposed language for Idaho Code § 54-704(c). Mr. Ellsworth said the

IACP should match its proposed language in Idaho Code § 54-704 to the Board's current proposed language in that section.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the Board's proposed laws and rules are posted on the Board's website, and she discussed a timeline for the proposed legislation.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of (\$84,734.89) as of 12/31/2016.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case number CHI-2017-3. Mr. Coiner made a motion to close case CHI-2017-3 and send a letter advising the respondent to revise the website information pertaining to physical therapy. It was seconded by Dr. Downey. The Board discussed the letter further and revised the motion to have the letter to the respondent suggest that the respondent revise the term of "physical therapy" to "physiotherapy" on the respondent's website. Motion carried.

Ms. Uranga presented a memorandum regarding case number CHI-2017-4. After discussion, the Board gave recommendations for appropriate discipline.

Ms. Uranga presented a supplemental memorandum regarding case number CHI-2017-5. After discussion, the Board gave recommendations for appropriate discipline.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

Ms. Peel presented the Findings of Fact, Conclusions of Law and Final Order regarding case number CHI-2017-2. Dr. Downey made a motion to approve the Findings of Fact, Conclusions of Law and Final Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. Oliver. Motion carried.

Ms. Peel discussed the disciplinary process and timeline of that process with the Board and provided the complaint process chart and copy of IDAPA 04.11.01, Rule 720 to the Board.

Mr. Ellsworth presented a Motion to Reconsider regarding case number CHI-2016-4. Dr. Oliver made a motion to deny the Motion to Reconsider regarding case number CHI-2016-4, have Mr. Ellsworth prepare the Motion to Deny, and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. Downey. Motion carried.

OLD BUSINESS

The Board reviewed the to do list. The Board discussed its recent recommendations regarding currently approved CE courses on its website and the motion previously made to limit courses to one year, draft a letter to CE providers regarding this limit, and have it approved and sent. Mr. Coiner made a motion to move all end dates for CE courses that go beyond 1/1/2018 to that same date, have the Bureau draft a letter to CE course providers to let them know that current courses will have an end date of 1/1/2018 and no future CE courses will be approved for more than one year and that the CE provider can re-apply or let the Board know they no longer offer the CE course, authorize the Chair to approve and sign it, and to have the Bureau send it to currently approved CE course providers. It was seconded by Dr. Oliver. Motion carried.

NEW BUSINESS

TELEHEALTH

The Board reviewed the power poll of other states completed by the Federation of Chiropractic Licensing Boards (FCLB) regarding telehealth and no action was taken.

CORRESPONDENCE – SCOPE OF PRACTICE QUESTION

The Board reviewed the questions regarding the scope of practice received from a Chiropractor. The Board agreed that the answer is yes to the first question regarding an Idaho-licensed Chiropractor giving patients therapeutic exercises under the physiotherapy portion of the license. Dr. Downey made a motion to respond to the second question that the Graston practice technique falls within the Chiropractic scope of practice. Dr. Oliver seconded. Motion carried.

CORRESPONDENCE – CE PROVIDER QUESTION

The Board discussed the request from a CE course provider to place the provider's link on the Board's website. Dr. Downey made a motion to respond that the Board does not place links on its website and request that the CE provider submit a CE provider application. It was seconded by Mr. Coiner. Motion carried.

CORRESPONDENCE – COUNCIL ON CHIROPRACTIC EDUCATION (CCE) INFORMATION

The Board reviewed the information provided by the CCE and no action was taken.

CORRESPONDENCE – OWNERSHIP OF CHIROPRACTIC CLINIC

The Board reviewed the question regarding a non-physician legally owning and operating a chiropractic clinic. Mr. Ellsworth discussed the Professional Corporations Law with the Board. The Board asked Mr. Ellsworth to research the law regarding the ownership of a chiropractic clinic in Idaho by a non-physician.

CORRESPONDENCE – FCLB DIRECTORY UPDATES

The Board reviewed the 2017 updates for the FCLB directory. Mr. Coiner made a motion to have Ms. Toncray send the directory revisions to FCLB. It was seconded by Dr. Oliver. Motion carried.

CORRESPONDENCE – NATIONAL BOARD OF CHIROPRACTIC EXAMINERS (NBCE) EXAMINATION INVITATION

The Board reviewed the email from NBCE. Dr. White asked Ms. Toncray to contact Dr. McKay and see if she's interested in attending the Part IV Exam or Part IV Test Committee meetings. Dr. Oliver said he would also be interested in participating in the Part IV Test Committee meeting in June 2017. Dr. White and Dr. Downey were both interested in attending the Spring Part IV Exam meeting and asked Ms. Toncray to complete and submit the nomination forms. Dr. White also asked Ms. Toncray to obtain further information regarding the approval process for attendance at these meetings.

CORRESPONDENCE – FCLB DUES

The Board reviewed the dues invoice. Dr. Downey made a motion to have the Bureau pay the invoice for FCLB dues. It was seconded by Dr. Oliver. Motion carried. Dr. White asked to have the description of FCLB member benefits available for the Board at its next meeting.

CORRESPONDENCE – NBCE 2017 CALL FOR DELEGATES

The Board reviewed the request from NBCE for delegates to attend its 2017 annual meeting. Dr. Downey made a motion to authorize Dr. White and Dr. Oliver to attend the 2017 annual NBCE meeting. It was seconded by Mr. Coiner. Motion carried.

EXECUTIVE SESSION

Dr. Oliver made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Coiner. The vote was: Dr. White, aye; Dr. Oliver, aye; Mr. Coiner, aye; and Dr. Downey, aye. Motion carried.

Mr. Coiner made a motion to come out of executive session. It was seconded by Dr. Downey. The vote was: Dr. White, aye; Dr. Oliver, aye; Mr. Coiner, aye; and Dr. Downey, aye. Motion carried.

APPLICATIONS

Mr. Coiner made a motion to approve the following for licensure:

DCA-1714 Troy Eldridge

It was seconded by Dr. Downey. Motion carried.

Mr. Coiner made a motion to table the following application:

Applicant ID 901149250

It was seconded by Dr. Oliver. Motion carried.

Mr. Coiner made a motion to approve the following for a six-month temporary permit:

DCA-1751 Danny Anderson

It was seconded by Dr. Downey. Motion carried.

CE COURSES

Dr. Downey made a motion to approve the CE courses listed below. It was seconded by Dr. Oliver. Motion carried.

KARL GILJUM, D.C.
EXTREMITY EXAMINATION

KARL GILJUM, D.C.
RISK MANAGEMENT AND RECORDKEEPING/DOCUMENTATION

KARL GILJUM, D.C.
ETHICS

KARL GILJUM, D.C.
SPINE EXAMINATION

GRITMAN MEDICAL CENTER/RUSSOCME
WENATCHEE PAIN & SPINE CONFERENCE

ANIMAL CHIROPRACTIC EDUCATION SOURCE
ANIMAL CHIROPRACTIC 101

WASHINGTON STATE CHIROPRACTIC ASSOCIATION
CPR TRAINING & CERTIFICATION (HEALTHCARE PROVIDER-FOCUSED)

NORTH IDAHO COLLEGE
BIOLOGY 261 – HUMAN CADAVER PROSECTION II

Dr. Downey made a motion to deny the appeal to reconsider the CE course, “How to Manage the Psychological and Clinical Aspects of Patient Care.” It was seconded by Dr. Oliver. Motion carried.

NEXT MEETING was scheduled for March 3, 2017, at 1:00PM MST.

ADJOURNMENT

Dr. Downey made a motion to adjourn the meeting at 4:31PM MST. It was seconded by Dr. Oliver. Motion carried.

Mary Jo White, DC, Chair

Kathleen J McKay, DC

Herbert W Oliver, DC

Charles H Coiner

John Downey, DC

Tana Cory, Bureau Chief